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#3

NO 6488

File No. 88265-6488

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION*

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ROUND ITEMS OF FROZEN CONFECTIONERY AND PROCESS OF MANUFACTURE

and for which a patent application and for which a patent application

- ☒ which is attached hereto
- ☒ which is identified by docket No. 88265-6488
- ☒ which was filed on _____, as Application No. _____

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION				
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	
99116406.2	Europe	August 20, 1999	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

* for use only when the application is assigned to a company, partnership or other organization.

NO 6488103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jean-Michel MARSHON et al.

Application No.: 10/

Filed: February 15, 2002

For: ROUND ITEMS OF FROZEN
CONFECTIONERY AND PROCESS OF
MANUFACTURE



Group Art Unit:

Examiner:

Attorney Docket No.: 88265-6448

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**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

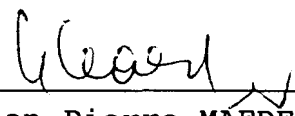
The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone (212) 294-3311, facsimile (212) 294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

NESTEC S.A.

Signature:



Jean-Pierre MAEDER

Typed Name:

Authorized Signatory

Position/Title:

Address:

Avenue Nestle 55

CH-1800 Vevey, Switzerland

Date:

- 8 MARS 2002